

DISPUTES REVIEW BOARD RECOMMENDATION

25 June, 2008

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Ref: US 41 (SR45), From a Point North of Bonita Beach Road to Old US 41, Financial Project ID: 195737-1-52-01: WPI#: 1114707, Contract No.: T-1022: Lee County: Disputes Review Board hearing regarding entitlement to compensation for a TECO gas main conflict at sta. 114+80.

Dear Sirs:

The Florida Department of Transportation, (FDOT), and Astaldi Construction Corporation, (ACC), requested a hearing concerning the above referenced issue.

CONTRACTORS POSITION

The Contractors rebuttal paper has the following statements and references to document their claim for entitlement.

ACC agrees with the Department's May 7, 2008, position.

DEPARTMENT'S POSITION

The Department's rebuttal paper has the following statements and references to document their claim for no additional entitlement to ACC.

ACC agrees with the Department.

The Department is currently processing the \$13,000.00 on Unilateral#79.

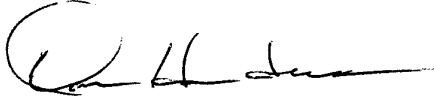
FINDINGS OF FACT

Contractor and Department agreed to time and money. Therefore no recommendation is required from the Board.

Submitted by the Disputes Review Board

Don Henderson, Chairman Jack Norton, Member Frank Consoli, Member

Signed for and with concurrence of all members

A handwritten signature in black ink, appearing to read "Don Henderson", written over a horizontal line.

Don Henderson, PE